

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

VELMA E. BROWN,

*Plaintiff,*

vs.

MANN BRACKEN, LLC,

*Defendant.*

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NO.: 08-CV-2383 (AKH)

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**ANSWER OF DEFENDANT MANN BRACKEN, LLC**

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**ANSWER TO COMPLAINT**

Mann Bracken, LLC, by and through its counsel, in answer to the Complaint filed herein states as follows:

**FIRST DEFENSE**

1. The allegations in Paragraph 1 relate to jurisdiction and do not require the filing of a response either admitting or denying the assertions.
2. The allegations in Paragraph 2 relate to jurisdiction and do not require the filing of a response either admitting or denying the assertions.
3. The allegations in Paragraph 3 related to venue and do not require the filing of a response either admitting or denying the assertions.
4. Defendant is without sufficient information to admit or deny the allegations in Paragraph 4 of the Complaint.

5. Defendant is without sufficient information to admit or deny whether the Plaintiff is a consumer as defined by the Fair Debt Collection Practices Act.

6. Defendant admits the allegations in Paragraph 6 of the Complaint.

7. Defendant admits the allegations in Paragraph 7 of the Complaint.

8. Defendant admits the allegations in Paragraph 8 of the Complaint.

9. In answer to the allegations in Paragraph 9 of the Complaint, Defendant states that the letter speaks for itself.

10. Defendant denies the allegations in Paragraph 10 of the Complaint.

11. In answer to the allegations in Paragraph 11 of the Complaint, Defendant states that the letter speaks for itself.

12. Defendant denies the allegations in Paragraph 12 of the Complaint.

13. In answer to the allegations to the Paragraph 13 of the Complaint, Defendant incorporates by reference its answer to the preceding paragraphs.

14. Defendant denies the allegations in Paragraph 14 of the Complaint.

15. In answer to the allegations in Paragraph 15 of the Complaint, Defendant states that the assertions are legal conclusion for which no response is required either admitting or denying the assertions.

16. In answer to the allegations in Paragraph 16 of the Complaint, Defendant states that the assertions are legal conclusion for which no response is required either admitting or denying the assertions.

17. In answer to the allegations in Paragraph 17 of the Complaint, Defendant states that the assertions are legal conclusion for which no response is required either admitting or denying the assertions.

18. Defendant denies the allegations in Paragraph 18 of the Complaint and all subparts therein.

#### SECOND DEFENSE

To the extent that Plaintiff can establish any violation of the Fair Debt Collection Practices Act, Defendant's liability is excused pursuant to the bona fide error defense set forth in 15 U.S.C. §1692k(c).

#### THIRD DEFENSE

Plaintiff's claims are barred by the one year statute of limitations under the Fair Debt Collection Practices Act.

#### FOURTH DEFENSE

Any allegations contained in Plaintiff's complaint not expressly admitted or denied herein are hereby denied.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendant Mann Bracken, LLC demands judgment in its favor, that it be dismissed with prejudice from this action, that all costs be cast upon Plaintiff, that it be awarded reasonable attorney fees and costs as provided for under applicable law and for such other relief as this Court deems just and proper.

Dated: White Plains, New York  
April 22, 2008

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER  
LLP

By: 

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Jay A. Wechsler  
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TO: Abraham Kleinman, Esq.  
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RexCorp Plaza  
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(516) 522-2621

## AFFIDAVIT OF SERVICE

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF WESTCHESTER )

I, Adina Fici, being sworn, say:

I am not a party to the action, am over the age of 18 years of age and reside in Westchester County, New York.

On April 22, 2008, I served the within **ANSWER OF DEFENDANT MANN BRACKEN, LLC** by depositing a true copy thereof enclosed in a postpaid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

TO: Kleinman, LLC  
Abraham Kleinman, Esq.  
626 RexCorp Plaza  
Uniondale, New York 11556

Adina Fici  
ADINA FICI

Sworn to before me this  
22<sup>nd</sup> day of April, 2008.

Notary Public

**NICOLE INOCENCIO**  
Notary Public, State of New York  
**No.: 011N4995148**  
Qualified in Westchester County  
Commission Expires: **April 20, 2010**